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EXAMINER

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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 19

Application Number: 09/755,650
Filing Date: January 05, 2001
Appellant(s): STEWART, BRETT B.

Appellant(s): STEWART, BRETT B.

Jeffrey C. Hood
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/17/04.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on February 17, 2004 has been entered.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because the same arguments are presented for various groups of claims. Based on the arguments presented in the Appeal Brief and on the groupings of the claims in the final rejection, the Examiner recommend the pending claims be grouped as follows:

Group I: Claims 1, 13, 21-23, 36, 38, 39, 42, 46, 57, 58, 70, and 71

Group II: Claims 2, 15, 26, 47, and 60

Group III: Claims 3, 16, 27, 48, and 61

Group IV: Claims 4, 17, 28, 49, and 62

Group V: Claims 5, 6, 18-20, 29, 30, 33-35, 40, 41, 56, 59, and 69

Group VI: Claims 7, 8, 50, 51, 63, and 64

Group VII: Claims 9, 52, and 65

Group VIII: Claims 11, 12, 54, 55, 67, and 68 (Appellant did not address Claim 11 in the Appeal Brief. However, the Examiner has placed the claim in this group as per the grouping of the claims in the final rejection.)

Group IX: Claims 31

Group X: Claims 32

Group XI: Claims 53 and 66

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,236,360	RUDOW et al	5-2001
6,202,054	LAWLOR et al	3-2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

A. Claims 1-9, 11-13, 15-23, 26-36, 38-42, and 46-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudow et al (6,236,360) in view of Lawlor et al (6,202,054).

Claims 1, 13, 23, 39, and 42: Rudow discloses a system and method for providing information to users of mobile (portable) units, comprising:

a. Transmitting a wireless signal from an access point to a mobile unit (col 18, lines 30-34);

b. Receiving identification information from the mobile unit to an access point (col 12, lines 15-23); and

d. Transmitting personalized information/messages to the mobile unit (col 4, lines 30-36; col 9, lines 35-39; and col 15, lines 42-50).

While Rudow discloses that the personalized messages could include advertisements, it is not explicitly disclosed that the advertisements are selected based upon past transactions of the user. However, Lawlor discloses a similar system and method for presented personalized information/messages to a user of a portable remote device and also discloses personalizing the information/messages based on the user's past transactions (col 13, lines 42-59; col 15, lines 36-49; col 30, line 55 - col 31, line 15; and col 39, lines 5-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to track the user's past

transactions/actions in Rudow and to select the advertisements/messages based on such historical data. One would have been motivated to use the historical data in the selection process in order to present a targeted advertisement to the user, thus enhancing the revenue realized by the system through advertising and promotions as discussed by Rudow (col 5, lines 55-58).

While Rudow prefers that the remote terminal initiates the communication by transmitting its identification information to the access point, it is also disclosed that "The traditional scheme for solving this problem is for the base station to call individual users (e.g. "Cart 82, where are you?"), and the cart to which the inquiry is made sends a response" (col 18, lines 30-34).

Claims 5, 6, 18-20, 29, 30, 33, 40, 41; 46, 57-59, 70, and 71: Rudow and Lawlor disclose a system and method for providing information to users of mobile (portable) units as in Claims 1, 13, 23, and 39 above, and Lawlor further discloses the information being advertisements pertaining to banking services, loans, or any other good or service as discussed in Claim 9 above. However, neither reference explicitly discloses that the access points are located in an airport or a hotel nor that the information is a travel itinerary. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the location of the access points and information provided would depend on the type of information providers in the system. In Rudow, the access points are located around the golf course and the information being provided pertains to the golfer's game (i.e. distance from hole, etc.) or related advertisements/services (i.e. golf ball sale in clubhouse or personal messages to the golfer). Lawlor discloses that

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the remote device could be used anywhere that there is telephone service (e.g. cellular telephone aeri^{als}). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the access points in any desired area, such as an airport or hotel, and to provide information about goods or services of the particular information providers, such as travel agencies or airlines providing travel itineraries, hotels or car rental agencies providing information on reservations, etc. One would have been motivated to locate the access points in airports or hotels in order to target customers of such establishments, especially if the information provider was the hotel, an airline, car rental agency, or taxi service. The Examiner further notes that the location and ownership of the access points does not in any way affect the steps used to provide the personalized information or messages to the user of the remote device, and thus has no bearing on the patentability of such a method and corresponding system. As shown by the Applicant's claimed plurality of embodiments, the method and system could be used in any number of locations and circumstances to include airports, hotels, golf courses, amusement parks, shopping malls, or any other desired location.

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Claims 2, 15, 26, 47, and 60: Rudow and Lawlor disclose a system and method for providing information to users of mobile (portable) units as in Claims 1, 13, 23, 43, 46, and 59 above; and Lawlor further discloses that the past transactions include the requirements, preferences and/or habits of the user (col 15, lines 36-49; col 30, line 55 - col 31, line 15; and col 39, lines 5-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include such data in the Rudow system when selecting the advertisements. One would have been motivated to include the requirements, preferences and/or habits of the user in order to better target the advertisement.

Claims 3, 16, 27, 48, and 61: Rudow and Lawlor disclose a system and method for providing information to users of mobile (portable) units as in Claims 1, 13, 23, 46, and 59 above; and Lawlor further discloses that the past transaction information includes information from which probable future actions by the users may be extrapolated (col 30, line 50 - col 31, line 15 and col 39, lines 5-29). Lawlor discloses the past transaction information including information such as the user's spending patterns. Spending pattern information is used extensively by the retail arts to project future spending by the individual. Thus, the inclusion of this type of information in Lawlor reads on the above limitation. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include such data in the Rudow system when selecting the advertisements. One would have been motivated to extrapolate probable future actions by the user in order to better target the advertisement.

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Claims 4, 17, 28, 49, and 62: Rudow and Lawlor disclose a system and method for providing information to users of mobile (portable) units as in Claims 1, 13, 23, 43, 46 and 59 above; and Lawlor further discloses that the past transaction information includes information about past commercial activities of the user (col 15, lines 36-49 and col 30, line 55 - col 31, line 15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include such data in the Rudow system when selecting the advertisements. One would have been motivated to include the past commercial activities in order to better target the advertisement.

Claims 7, 8, 50, 51, 63, and 64: Rudow and Lawlor disclose a system and method for providing information to users of mobile (portable) units as in Claims 1, 46, and 59 above; and Lawlor further discloses a plurality of information providers who provide the information based on the past transactions of the user (col 17, lines 62-67 and col 18, lines 12-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to receive information from such entities in the Rudow system when selecting the advertisements. One would have been motivated to include information from a plurality of information providers in order to better target the advertisement.

Claims 9, 52, and 65: Rudow and Lawlor disclose a system and method for providing information to users of mobile (portable) units as in Claims 8, 51, and 64 above, and Rudow further discloses that the advertisement (information) could be from the clubhouse or other advertiser. Lawlor also discloses that the advertisement

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(information) could be for a loan (i.e. from a bank or financial institution) or "used to advertise any good or service." (col 39, lines 13-22). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the information provider could be any entity wishing to present information to the user. One would have been motivated to include information from such sources as car rental agencies, hotels, restaurants, etc. in order to expand the utility of the system.

Claims 11, 12, 54, 55, 67, and 68: Rudow and Lawlor disclose a system and method for providing information to users of mobile (portable) units as in Claims 1, 46, and 59 above, and Rudow further discloses using the Global Positioning Satellite (GPS) system and local transceivers to determine the exact location of the golf cart (or hand held device) on the golf course and to transmit information (such as distance to hole, recommended golf club to use, etc.) to the golfer based on the location of the golf cart (col 6, lines 53-55). The system also can be used to transmit other information to the golfer, such as advertisements and personal messages.

Claims 21, 22, 34, 35, 36, 38, 56, and 69: Rudow and Lawlor disclose a system and method for providing information to users of mobile (portable) units as in Claims 13, 23, 46 and 59 above; and Lawlor further discloses that the information comprises promotions/advertisements based on the past transactions of the user (col 13, lines 42-59; col 15, lines 36-49; and col 30, line 50 - col 31, line 15). While neither reference explicitly discloses that the past transaction was a car rental transaction by the user, Lawlor's disclosure of using past transaction data would encompass any and all types of transactions to include car rentals. Therefore, it would have been obvious to one

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having ordinary skill in the art at the time the invention was made to include such data in the Rudow system when selecting the advertisements. One would have been motivated to include base the selection of the advertisement on such historical data in order to better target the advertisement.

Claim 31: Rudow and Lawlor disclose a system and method for providing information to users of mobile (portable) units as in Claim 23 above, and Lawlor further discloses the user of the mobile device transmitting an inquiry and the information provider transmitting information in response to the inquiry (col 15, lines 36-49; col 30, line 55 - col 31, line 15; and col 33, lines 58-66). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the user in the Rudow system to submit inquiries and receive responses. One would have been motivated to allow user inquiries in order to better target the information to the needs of the user.

Claim 32: Rudow and Lawlor disclose a system and method for providing information to users of mobile (portable) units as in Claim 23 above, and Lawlor further discloses the information provider determines if a service is required and provides the service to the user upon detection of the user within the monitored area (col 15, lines 36-49; col 30, line 55 - col 31, line 15; col 33, lines 58-66; and col 50, lines 50-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include such a service in the Rudow system. One would have been motivated to include such a service in order to better meet the needs of the user.

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Claims 53 and 66: Rudow and Lawlor disclose a system and method for providing information to users of mobile (portable) units as in Claims 51, and 64 above, and Rudow also discloses maintaining information pertaining to the topography of the network (i.e. location of access points/repeaters). The other claimed information being stored in the database, such as a directory of the elements coupled to the network (i.e. a list of the repeaters and remote device identification numbers), the characteristics of such elements, and performance and trend statistics of the network are all well known information that is usually tracked and stored as part of the network and database management systems and would have been obvious to add to the Rudow system. Furthermore, since this information is not used in these or any other claims, but merely identified as being in a database, the type of information stored therein is merely non-functional data per se for which non patentable weight is given.

(11) Response to Argument

A. Appellant argues in reference to Claim 1 that Lawlor does not teach the wireless access points generating a wireless signal to cause a mobile unit to generate a response (pages 6-8) and that Rudow does not disclose that the personalized message could include advertisements (page 8). Initially, the Examiner notes that in the final rejection, Rudow, not Lawlor, was cited as disclosing that a wireless access point generating a wireless signal to cause a mobile unit generate a response is the traditional scheme for solving the problem of mobile unit identification (col 18, lines 30-34). Therefore, whether or not Lawlor discloses the same scheme is moot.

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Furthermore, as the Appellant cites, Rudow explicitly discloses that personal messages may be sent to the selected cart and that advertising or promotional messages may be activated based on the cart's location on the course (col 4, lines 30-36). Thus, the personal messages may be promotional messages, i.e. advertisements. Rudow also explicitly discloses that each mobile unit will be identified with a unique ID number and that when a golfer checks out the cart his name is associated with the remote unit ID number and entered into the central database system so that "any personal messages that may need to be directed to a player during a round of golf can be communicated to that player's cart anywhere on the course" (page 9, lines 29-39). Rudow further discloses that this system "provides the course manager with the ability to send messages from the CMC globally to all golf carts on the course, or privately to a particular cart" (col 15, lines 46-49). Therefore, Rudow enables the course manager to send personalized messages, to include advertisements, directly to an individual cart and player based at least on the location of the cart and the identity of the player.

The Examiner agrees with the Appellant's argument that Rudow does not disclose presenting any information to a golf cart or a mobile unit based on past transactions of the user (page 8). In the final rejection Lawlor, not Rudow, was used to show this feature was known, and motivation was given for combining this feature with Rudow's personalized messages to the individual player. Again, the Appellant has misconstrued the final rejection and focused on features the Examiner has admitted as not being disclosed in one of the references, but that was disclosed in the other reference. Thus, the only feature in Claim 1 that was not explicitly found in the main

reference (Rudow) was the feature of the personal message being based on past transactions of the user. This feature was disclosed in Lawlor as a method of selecting a personal message (advertisement) for the user of the mobile unit, which would have been obvious to incorporate into the Rudow personal message system.

In response to the Appellant's argument that Rudow and Lawlor cannot be analogous art because Rudow pertains to golf courses and Lawlor pertains to banking and financial services, the Examiner notes that both references disclose systems for presenting personalized messages to a specific mobile unit and that it would have been obvious to one of ordinary skill to look to other personal messages systems when attempting to develop a personalized message system.

B. The Appellant argues in reference to Claim 2 that Rudow does not teach "that personalized messages or any messages are based on past transactions of a user" which "include on or more of requirements, preferences, and habits of the user" (page 10). The Applicant is again arguing against the wrong reference. The Examiner notes that Lawlor, not Rudow, was used to show that this feature was known (Lawlor, col 15, lines 36-49; col 30, line 55 – col 31, line 15; and col 39, lines 5-29). The motivation for combining Lawlor with Rudow has been explained in paragraph 11A and in the rejection of this claim in paragraph 10A above.

C. The Appellant argues in reference to Claim 3 that Rudow does not teach extrapolating probable future actions of the user based on his past practices. Once again, the Appellant is arguing against the wrong reference. This feature was shown to be known using Lawlor, not Rudow, and the motivation to combine the references has

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been explained in paragraph 11A and in the rejection of this claim in paragraph 10A above.

D. The Appellant argues in reference to Claim 4 that Rudow does not disclose that the past transaction information include past commercial activities of the user. Once again, the Applicant is arguing against the wrong reference. This feature was shown to be known using Lawlor, not Rudow, and the motivation to combine the references has been explained in paragraph 11A and in the rejection of this claim in paragraph 10A above.

E. The Appellant argues in reference to Claims 5 and 6 that Rudow does not disclose "motivation to place a gold course yardage and information system in an airport, hotel, or any other outdoor or indoor facility" (page 11). The Examiner notes that these claims were rejected as being obvious over the two references. Lawlor discloses that the remote device can be used anywhere there is telephone service. Rudow discloses that his invention could be used, not only on a golf course, but also "for mass transit, forestry, express package services, shipping, and other applications" (col 7, lines 5-9) and that it is "applicable not only to the golf market, but to many other markets as well. For example, unregulated 12 v power is readily obtained from many types of motor vehicles, tractors, aviation equipment, airplanes, and so forth" (col 50, lines 28-34). Thus, Rudow discloses that his system and method for transmitting personal messages to a remote mobile device can be used in a wide variety of areas. Since it is also disclosed that the central transmitter has a limited range (2 mile radius is given as an example), it would have been obvious to place the access points in areas

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with a high concentration of traffic, such as airports, hotels, shopping centers, amusement parks, etc. As noted in the rejection of these claims in paragraph 10A above, the location and ownership of the access points does not in any way affect the steps used to provide personalized information or messages to the user of the mobile unit. The Appellant's own claims support this reasoning by claiming a plurality of embodiments in which the invention is used to present a personal message to the user of a mobile device in a variety of locations and circumstances to include airports, hotels, car rental agencies, etc. (Claims 5, 6, 18-20, 29, 30, 33, 40, 41, 46, 57-59, 70, and 71) by a wide variety of users, such as car rental agencies, hotels, restaurants, airline reservation centers, banks, taxi services, and bus and train reservation offices (Claim 10).

F. The Appellant argues in reference to Claims 7 and 8 that Rudow does not disclose a plurality of information providers coupled to the network to provide information through the network to the mobile unit based on the past transactions of the user (pages 13-14). The Examiner notes that Rudow discloses that the information (personal messages) being provided to the mobile unit of the user can originate from the course manager (e.g. notice to speed up play) or from a third party such as the user's office (col 15, lines 44-46). Rudow also discloses that the system modem is used to receive advertising (presumably from advertisers) to be sent to the cart displays (col 12, lines 50-52). Thus, the personal messages being transmitted to the mobile unit (and its user) in Rudow are coming from at least three sources – the course manager, the

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user's office, and advertisers. Likewise, Lawlor also discloses a plurality of information providers (see the rejection of these claims in paragraph 10A above).

G. The Appellant argues in reference to Claim 12 that Rudow does not disclose providing personal messages based on past transactions of users nor that the information is further dependent on a known location of the access points arranged in a geographic location (page 15). The Examiner notes that the first argument about basing the personal message on past transaction of the user has been addressed in reference to Claim 1 in paragraph 11A above. The Examiner also notes that Rudow explicitly discloses that in addition to using GPS positioning to determine the location of the mobile devices (col 1, line 59 – col 2, line 62), other alternative means could be used, such as RF reflectors, diffractors, repeaters with directional antenna (col 11, line 66 – col 12, line 24), buried electrical wires which form a grid, radio direction finding, or triangulation (col 1, lines 42-58). Rudow further discloses dividing the course into predetermined zones or regions and identifying the location of each mobile unit in relation to its current zone or region (col 6, lines 44- 67). Finally, Rudow discloses that the location information of the mobile unit can be used to transmit a personal message to the user, such as the distance to the next hole, a map of the current or upcoming hole, or a message warning the user not to drive on the green (col 35, lines 35-38). Therefore, Rudow discloses the features this claim adds to its parent claim.

H. The Appellant once again argues in reference to Claim 13 that Rudow does not disclose providing information based on past transactions of the user. This independent claim has been placed with the other independent claims in Group I (see

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Grouping of Claims section above). The rejection and response to arguments in reference to Claim 1 above also apply to this claim.

I. The Appellant argues that Claim 15 is allowable based on the arguments presented in reference to Claims 2 and 13 above. The rejection and response to arguments in reference to Claims 2 and 13 above also apply to this claim.

J. The Appellant argues that Claim 16 is allowable based on the arguments presented in reference to Claims 3 and 13 above. The rejection and response to arguments in reference to Claims 3 and 13 above also apply to this claim.

K. The Appellant argues that Claim 17 is allowable based on the arguments presented in reference to Claims 4 and 13 above. The rejection and response to arguments in reference to Claim 4 and 13 above also apply to this claim.

L. The Appellant argues that Claims 18 and 19 are allowable based on the arguments presented in reference to Claims 5, 6, and 13 above. The rejection and response to arguments in reference to Claims 5, 6, and 13 above also apply to these claims.

M. The Appellant argues in reference to Claim 20 that neither reference discloses that the information being provided to the user of the mobile unit is travel itinerary information (page 18). As discussed in paragraph 11F above, it would have been obvious to use the system in many areas, such as airports, hotels, shopping centers, amusement parks, etc. The type of information being provided in the personal message to the user of the mobile unit does not affect the claimed steps involved in providing such a personal message. It would have been obvious to provide messages

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which were pertinent to the user, such as Rudow's disclosure that the message could inform the user about conditions on the golf course, the weather, a message from his office, or advertisements. If the invention was placed in an airport or other "mass-transit" facility alluded to by Rudow (col 7, lines 5-9), travel itinerary information would be pertinent information. If the system was placed in another area, such as a shopping mall, travel itinerary information may not be so pertinent, or even applicable. Thus, the type of information being provided to the user of the mobile device would depend on how and where the invention was being used, but would not affect the steps performed by the invention to deliver such a message.

N. The Appellant once again argues in reference to Claim 21 that Rudow does not disclose the message being an advertisement based on past transactions of the user (page 18). These arguments have been discussed at length in the rejection and response to arguments of Claim 1 in paragraph 11A above.

O. The Appellant once again argues in reference to Claim 22 that Rudow does not disclose the message being an advertisement based on past transactions of the user (page 19). These arguments have been discussed at length in the rejection and response to arguments of Claim 1 in paragraph 11A above.

P. The Appellant argues in reference to Claim 23 that neither reference discloses "a wireless access point scanning its coverage area to cause a portable computing device in proximity to the wireless access point to generate a response" (page 19). The Examiner notes that Rudow explicitly discloses that a traditional scheme to solve the problem of mobile unit identification "is for the base station to call

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individual users (e.g. "Cart 82, where are you"), and the cart to which the inquiry is made sends a response" (col 18, lines 30-34). Thus, the wireless access point sends out a signal (scans its area) which causes a mobile device (portable computing device) within its coverage area to respond. (It is inherent that if the mobile device is not within the access point's coverage area, e.g. too far away to receive the wireless signal, it could not respond).

Q. The Appellant argues that Claim 26 is allowable based on the arguments presented in reference to Claims 2 and 23 above. The rejection and response to arguments in reference to Claims 2 and 23 above also apply to this claim.

R. The Appellant argues that Claim 27 is allowable based on the arguments presented in reference to Claims 3 and 23 above. The rejection and response to arguments in reference to Claims 3 and 23 above also apply to this claim.

S. The Appellant argues that Claim 28 is allowable based on the arguments presented in reference to Claims 4 and 23 above. The rejection and response to arguments in reference to Claims 4 and 23 above also apply to this claim.

T. The Appellant argues that Claims 29 and 30 are allowable based on the arguments presented in reference to Claims 5, 6, and 23 above. The rejection and response to arguments in reference to Claims 5, 6, and 23 above also apply to these claims.

U. The Appellant argues in reference to Claim 31 that neither reference discloses that "the information provider transmits said information in response to said inquiry" (page 21). The Examiner notes that Lawlor explicitly discloses that the user is

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given "the opportunity to request further information" and that "the advertiser can then immediately direct a sales response at the interested customer" (col 30, lines 60-67); and further discloses "A terminal user may then request further information" (col 33, lines 58-66). Rudow also discloses that the mobile unit includes a keyboard (or other input device) which allows the user to input a request for information, such as a pro tip (col 5, lines 20-25 and col 9, lines 8-14). In both cases, the user initiates the request for information, and the information provider transmits the requested information to the mobile unit.

V. The Appellant argues in reference to Claim 32 that Rudow does not disclose "that the base station or an information provider determines if service is required when a message is sent to the base station" (page 21). The Examiner notes that in the part of the reference cited by the Appellant in his argument Rudow discloses that the golfer can transmit messages which request many types of services, such as medical assistance, another cart, refreshments, etc.; or which may be a response to a query received from the base station. The base station will receive this message and determine which type of message it is; i.e. a request for service or a response to a query; and then respond accordingly. Furthermore, as discussed in the rejection of this claim above, Lawlor also discloses the information provider determining if service is required and providing the service to the user when the user is detected within the monitored area. Thus, both references disclose this feature.

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W. The Appellant argues that Claim 33 is allowable based on the arguments presented in reference to Claims 20 and 23 above. The rejection and response to arguments in reference to Claims 20 and 23 above also apply to this claim.

X. The Appellant once again argues in reference to Claim 36 that Rudow does not disclose providing information based on past transactions of the user. This independent claim has been placed with the other independent claims in Group I (see Grouping of Claims section above). The rejection and response to arguments in reference to Claim 1 above also apply to this claim.

Y. The Appellant once again argues in reference to Claim 38 that Rudow does not disclose providing information based on past transactions of the user. This independent claim has been placed with the other independent claims in Group I (see Grouping of Claims section above). The rejection and response to arguments in reference to Claim 1 above also apply to this claim.

Z. The Appellant argues in reference to Claim 39 that neither reference discloses the wireless access point scanning "its coverage area to cause a portable computing device within the coverage area to generate a response". This is the same argument presented in reference to Claim 23 above. The rejection and response to arguments in reference to Claim 23 above also apply to this claim.

AA. The Appellant argues in reference to Claims 40 and 41 that Rudow does not disclose using his invention for a car rental agency or a hotel (page 25). The Examiner notes this is a similar argument as the one made above pertaining to Claims 5 and 6.

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The rejection and response to argument in reference to Claims 5 and 6 also apply to these claims.

AB. The Appellant argues that Claim 46 is allowable based on the arguments presented in reference to Claims 1 and 23 above. The rejection and response to arguments in reference to Claims 1 and 23 above also apply to this claim.

AC. The Appellant argues that Claim 47 is allowable based on the arguments presented in reference to Claims 2 and 46 above. The rejection and response to arguments in reference to Claims 2 and 46 above also apply to this claim.

AD. The Appellant argues that Claim 48 is allowable based on the arguments presented in reference to Claims 3 and 46 above. The rejection and response to arguments in reference to Claims 3 and 46 above also apply to this claim.

AE. The Appellant argues that Claim 49 is allowable based on the arguments presented in reference to Claims 4 and 46 above. The rejection and response to arguments in reference to Claims 4 and 46 above also apply to this claim.

AF. The Appellant argues that Claims 50 and 51 are allowable based on the arguments presented in reference to Claims 7 and 46 above. The rejection and response to arguments in reference to Claims 7 and 46 above also apply to this claim.

AG: The Appellant argues in reference to Claim 53 that neither reference discloses "a management information base for storing the topology of the network, a directory of elements coupled to the network, characteristics of individual ones of said elements, characteristics of connection links, and performance and trend statistics of the network" (page 27). The Examiner notes that Rudow discloses that systems were

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known which use "buried wires in various layout configurations" and "radio direction finding or triangulation techniques" (col 1, lines 42-58). It is inherent in these systems that the topology of the network is known and stored. Without such data being available to the system, it would be impossible for the system to "inform the golfer of gross features of the course and distances from specific markers to the pin or flag for the hole being played" (col 1, lines 42-58)(emphasis added). As discussed in the rejection of this claim above, the other claimed information being stored are well known information that is usually tracked and stored as part of the network and database management system in order to determine faults and failures within the network. As further discussed in the rejection of this claim above, since this information is not used in this or any other claim, but merely identified as being in a database, the type of information stored therein is non-functional data per se for which little or no patentable weight is given.

AH. The Appellant argues that Claim 54 is allowable based on the arguments presented in reference to Claim 11 and 46 above. The rejection and response to arguments in reference to Claims 12 and 46 above also apply to this claim.

AI. The Appellant argues that Claim 55 is allowable based on the arguments presented in reference to Claim 12 and 46 above. The rejection and response to arguments in reference to Claims 12 and 46 above also apply to this claim.

AJ. The Appellant argues in reference to Claim 56 that neither reference teaches "that the past transactions comprise past rental car transactions of the user" (page 27). The Examiner notes this is a similar argument as the one made above pertaining to Claims 5 and 6. The rejection and response to argument in reference to Claims 5 and 6

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also apply to these claims in that the location and type of merchant from which the past transaction information is derived does not affect the steps of using the transaction data to target (personalize) the message to the user as discussed in Lawlor.

AK. The Appellant argues that Claim 57 is allowable based on the arguments presented in reference to Claims 23 and 46 above. The rejection and response to arguments in reference to Claims 23 and 46 above also apply to this claim.

AL. The Appellant argues that Claim 58 is allowable based on the arguments presented in reference to Claims 1, 23, and 46 above. The rejection and response to arguments in reference to Claims 1, 23, and 46 above also apply to this claim.

AM. The Appellant argues in reference to Claim 59 that the location of the system is in a hotel. The Examiner notes this is a similar argument as the one made above pertaining to Claims 5 and 6. The rejection and response to arguments in reference to Claims 5 and 6 above also apply to this claim in that the location of the system does not affect the steps of presenting a personal message to the user of a mobile device.

AN. The Appellant argues that Claim 60 is allowable based on the arguments presented in reference to Claims 2 and 59 above. The rejection and response to arguments in reference to Claims 2 and 59 above also apply to this claim.

AO. The Appellant argues that Claim 61 is allowable based on the arguments presented in reference to Claims 3 and 59 above. The rejection and response to arguments in reference to Claims 3 and 59 above also apply to this claim.

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AP. The Appellant argues that Claim 62 is allowable based on the arguments presented in reference to Claims 4 and 59 above. The rejection and response to arguments in reference to Claims 4 and 59 above also apply to this claim.

AQ. The Appellant argues that Claims 63 and 64 are allowable based on the arguments presented in reference to Claims 7 and 59 above. The rejection and response to arguments in reference to Claims 7 and 59 above also apply to this claim.

AR. The Appellant presents the same arguments in reference to Claim 66 as previous presented in reference to Claim 53 above. The same rejection and response to argument in reference to Claim 53 in paragraph AG above also apply to this claim.

AS. The Appellant argues that Claim 67 is allowable based on the arguments presented in reference to Claims 11 and 59 above. The rejection and response to arguments in reference to Claims 12 and 59 above also apply to this claim.

AT. The Appellant argues that Claim 68 is allowable based on the arguments presented in reference to Claims 12 and 59 above. The rejection and response to arguments in reference to Claims 12 and 59 above also apply to this claim.

AU. The Appellant argues that Claim 69 is allowable based on the arguments presented in reference to Claims 56 and 59 above. The rejection and response to arguments in reference to Claims 56 and 59 above also apply to this claim.

AV. The Appellant argues that Claim 70 is allowable based on the arguments presented in reference to Claims 23 and 59 above. The rejection and response to arguments in reference to Claims 2 and 59 above also apply to this claim.

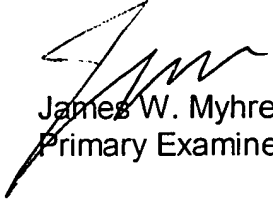
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AW. The Appellant argues that Claim 71 is allowable based on the arguments presented in reference to Claims 1, 23, and 59 above. The rejection and response to arguments in reference to Claims 1, 23, and 59 above also apply to this claim.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

JWM
April 28, 2004



James W. Myhre
Primary Examiner


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